

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
GILBERT ELLIS,**

Plaintiff,  
-v-

The motion is DENIED. Plaintiff's motion to compel is premature right given that defendants have yet to answer the complaint. If this case proceeds past the motion-to-dismiss stage, the Court will set a discovery schedule, which will give plaintiff the opportunity to seek discovery related to his claims. Until then, plaintiff should not file any more discovery-related motions. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 39.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: April 3, 2025

**DETECTIVE GREENE KUSH, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY,  
ASSISTANT DISTRICT ATTORNEY RICHARD FARRELL, IN HIS INDIVIDUAL  
AND OFFICIAL CAPACITY, THE CITY OF NEW YORK, LYNN JEROME, PAULA  
SINCLAIR, JOHN/JANE DOE OFFICERS 1-10, AND JOHN/JANE DOE  
INVESTIGATORS 1-10,ET AL.,**

**Defendants.**

**Case No.: 25-CV-01224 (AS)**

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**PLAINTIFF'S MOTION TO COMPEL PROSECUTORIAL STATUS DISCLOSURE  
FROM THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE**

**Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure**, Plaintiff Gilbert Ellis respectfully moves this Court for an order compelling the Kings County District Attorney's Office (KCDAO) and/or Defendant Richard Farrell to disclose the current prosecutorial status of Plaintiff's pending criminal matter, Arrest No. K24609984, which directly relates to the allegations of malicious prosecution, obstruction of justice, conspiracy, fraud on the court, malice and abuse of process in this case.

**I. BACKGROUND**

1. Plaintiff was arrested on February 19, 2024, based on false allegations initiated by Defendants Lynn Jerome and Paula Sinclair and prosecuted by Defendant Richard Farrell.
2. Following Plaintiff's arrest, exculpatory evidence emerged, including:

- Notary Statement denoting plaintiff was not present at Acris and Deed execution;
- A notary log and affidavit proving Plaintiff was not present at the property transfer;
- Financial records demonstrating a legitimate transaction;
- Chase Wire Transfer to complainant's account
- Copies of Original Executed bargain and sale deed Deed
- Acris Documents as was duly executed by complainants and investor
- Closing Summary of Transaction
- Affidavit Investor Wayne Wilson
- Pleadings from Wayne Wilson transaction is legal
- Pleadings from Attorney Stewart Rosenblum declaring transaction was legal
- Pleadings from Gilbert Ellis denoting ABA Model Rules of Professional Conduct, Rule 3.8
- Pleadings from Gilbert Ellis denoting Franks v. Delaware, 438 U.S. 154 (1978) establishes that an arrest warrant is void if obtained through false statements or material omissions
- Pleadings from Gilbert Ellis denoting Giglio v. United States, 405 U.S. 150 (1972) extends Brady obligations to impeachment evidence, meaning any

credibility issues with the complainants or Officer Kush should have been disclosed.

- Pleadings from Gilbert Ellis denoting 18 U.S.C. § 241 & 242 make it a federal crime to conspire to violate an individual's civil rights under color of law.
  - Pleadings from Gilbert Ellis 18 U.S.C. § 1001 (False Statements) criminalizes knowingly making or using a false statement in matters under federal jurisdiction.
  - A recantation by the complainants.
  - Evidence submitted to ADA Farrell affirming the lawfulness of the deed.
3. Despite this, the Kings County District Attorney's Office and Defendant Farrell continued to investigate and refused to dismiss the matter, while intentionally avoiding any arraignment or formal indictment.
  4. Plaintiff has made FOIL requests for records related to this case, but KCDAO has declined to disclose, citing an "ongoing investigation."
  5. Defendant Farrell has since been served in this federal action and has failed to appear, while maintaining the criminal case in a deferred posture.
  6. The indefinite continuation of the criminal matter is directly at issue in this civil case, particularly regarding Plaintiff's claims of malicious prosecution, retaliatory prosecution, and abuse of process.
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## II. RELIEF REQUESTED

Plaintiff respectfully moves this Court for an order directing the Kings County District Attorney's Office and/or Defendant Farrell to disclose in writing, within 10 days:

1. Whether the criminal prosecution arising from Arrest No. K24609984 is active, pending, deferred, closed, or dismissed;
2. The current procedural status, including whether a grand jury was ever impaneled or an indictment sought;
3. Whether the KCDAO intends to prosecute the matter or dismiss it;
4. Any factual or legal justification being asserted for maintaining the prosecution post-recantation.

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## III. GROUNDS FOR COMPELLING DISCLOSURE

This information is:

- **Highly relevant** to Plaintiff's claims of constitutional violations.
- **Crucial to establish malicious intent**, lack of probable cause, fraud on the court, malice, vindictiveness of defendants, abuse of process, obstruction of justice, prosecutorial abuse, civil rights abuse, and procedural abuse;

- Necessary to assess the **continued harm and prejudice** suffered by Plaintiff, his spouse, His Children, His finances, his businesses ,his employees, and his business partners due to the open status of this egregious criminal case;
- Required for proper case strategy and fair resolution of this federal matter.

Courts in this Circuit recognize the right to discovery from state actors where their actions form the basis of civil claims. See **Rodriguez v. City of New York**, 291 F. Supp. 3d 396, 413 (S.D.N.Y. 2018).

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#### **IV. CONCLUSION**

WHEREFORE, Plaintiff respectfully requests that the Court issue an order compelling:

- The Kings County District Attorney's Office and/or Defendant Richard Farrell to disclose the current and complete prosecutorial status of Plaintiff's criminal matter;
  - Production of such information within 10 days of the Court's order;
  - Any further relief the Court deems just and proper.
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**Dated:** March 26, 2025  
Respectfully submitted,  
**Gilbert Ellis**  
Plaintiff, Pro Se  
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